

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Leslie Delana Knight,

Plaintiff,

vs.

Captain Higgins, Officer;

Captain Buff, Officer;

Lt. Freely, Investigation;

Mr. Myers, Director,

Defendants.

C/A No. 6:09-2999-HMH-WMC

ORDER

The Plaintiff, proceeding *pro se*, filed a complaint concerning prison conditions pursuant to 42 U.S.C. § 1983, on November 19, 2009. Almost simultaneously, on November 20, 2009, the Plaintiff submitted an unsigned document seeking to withdraw her lawsuit. [Docket #4]. The Plaintiff was informed that she must sign the document and resubmit it to the court if she desired to withdraw her lawsuit. In response, the Plaintiff sent an unsigned letter that indicated she decided to pursue the lawsuit, and she provided one incomplete summons form and a motion to proceed *in forma pauperis*. [Docket #7-1; #8]. By order entered December 1, 2009, the Plaintiff was given an opportunity to provide the necessary information and paperwork to bring the case into proper form for evaluation and possible service of process. [Docket #12]. The deadline for compliance with the order was December 28, 2009. The Plaintiff was reminded of the December 28, 2009 deadline in an order issued December 7, 2009, which denied her motion for appointment of counsel. The Plaintiff submitted a letter indicating some confusion concerning the proper form order, and the order, with specific instructions highlighted, was resent to the Plaintiff. [Docket #18; #19]. On December 16, 2009, the Plaintiff submitted another unsigned notice requesting to dismiss the case,

and was again informed that she must sign the notice and return it with a signature if she desired to dismiss the case. [Docket #20]. On December 18, 2009, the court received a proposed service document for one defendant, but no correspondence or any of the other required service documents. [Docket #22]. It is unclear if the Plaintiff desires to voluntarily dismiss this lawsuit. Clearly, however, she was informed that she must provide the necessary service papers, properly completed, to bring her case into proper form for service. The Plaintiff has not complied with the December 1, 2009 Order to bring this case into proper form. The court's docket indicates no attempt by the Plaintiff to contact the court since December 18, 2009. The Plaintiff has failed to pursue prosecution of this case, as well as failed to comply with the court's detailed order requiring service documents. Therefore, the case is dismissed pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962). This case is **dismissed without prejudice**.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

January 20, 2010
Charleston, South Carolina